

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3617 OF 2007

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Office notes, office
memoranda of Coram,
appearances, Court's Court's or Judge's orders.
orders or directions
and Registrar's orders.
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Shri Amit Borkar for the Petitioner.

CORAM : ABHAY S.OKA, J.
DATED : JULY 04, 2007.

P.C.:

1. Heard Shri Borkar for the Petitioner. By this Petition under Article 227 of the Constitution of India, the Petitioner has taken exception to order dated 17th January, 2007 passed by the Adhoc Additional District Judge, Kolhapur. By the said order, the application for amendment made by the Respondent-Plaintiff has been allowed.

2. The submission of the learned Advocate for the Petitioner was that the proposed amendment was barred by limitation and the learned trial Judge has not assigned any reasons for allowing the Application.

3. I have considered the submissions. Considering the nature of the amendment sought by

the Respondent, no fault can be found with the order of the trial Court allowing the amendment. The Petitioner can always file additional written statement to the amended plaint and raise all contentions including the contention based on bar of limitation. Subject to what is stated Writ Petition is rejected.

JUDGE